



COMMONWEALTH of VIRGINIA
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September 8, 2004

The Honorable Robert G. Burnley, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Authority to Promulgate Proposed Amendments to the Regulation for Nutrient Enriched Waters and Dischargers in the Chesapeake Bay Watershed, 9 VAC 25-40-10 *et seq.*; and Proposed Amendments to the Water Quality Management Planning Regulations, 9 VAC 25-720-10 *et seq.*

Dear Director Burnley:

I have reviewed the above-referenced proposed amendments. It is my opinion that the State Water Control Board has authority to promulgate such amendments under applicable law, including Chapter 3.1 of Title 62.1 of the Code of Virginia.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Rick R. Linker
Assistant Attorney General
Environmental Unit